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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,691	10/03/2003	Christian Mueller	ITC-338US	9956
23122	7590	02/08/2005	EXAMINER	
RATNERPRESTIA			KOBERT, RUSSELL MARC	
P O BOX 980			ART UNIT	PAPER NUMBER
VALLEY FORGE, PA 19482-0980			2829	

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/678,691

Applicant(s)

MUELLER, CHRISTIAN

Examiner

Russell M. Kobert

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/22/2004, 1/12/2004 and 10/3/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8, 10-16 and 19-21 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 9, 17, 18 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 8, 10-16 and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Nagakusa et al (5295853).

Nagakusa et al anticipates (Figures 2, 3, 4A, 4B, 5A, 5B and 6) an apparatus and method for establishing a distance between a test head (1) and a peripheral (11), comprising a frame (2) to which one of said test head and said peripheral is docked (Figure 6 shows test head 1 shown docked to the frame 2); and a linear unit (combination of items 5, 7, 8a, 8b) for moving said frame towards or away from a docking surface of the other of said test head and said peripheral (in Nagakusa et al, the frame 2 is moved toward and away from the peripheral 11; col 5, ln 14-29); as recited in claims 1 and 12.

As to claims 2 and 13, having one of the test head and peripheral coupled to alignment features (all combined components to guide pin 7, best shown in Figure3) for docketing one of the test head and peripheral with the other of said test head and peripheral is anticipated by Nagakusa et al.

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As to claims 3 and 14, having the linear unit to include one of a male (7 and 7c) and female threaded member attached to the other of the test head and peripheral (11a and 11b, best shown in Figures 3, 5A and 5B) is anticipated by Nagakusa et al.

As to claims 4 and 15, having the frame (2) including the other of the male and female threaded member (4) is anticipated by Nagakusa et al.

As to claims 5 and 16, having the one of the male and female threaded member (7) rotated in order to move the frame towards or away from the docking surface of the other of the test head and peripheral (11) is anticipated by Nagakusa et al (col 3, ln 56 - col 4, ln 48).

As to claims 8 and 19, having the linear unit being one of a plurality of linear units (5, 6, 7, 8a , 8b and 9) for moving the frame is anticipated by Nagakusa et al (col 3, ln 42-55).

As to claims 10 and 20, having a crank (Actuator 9) rotated to cause the plurality of linear units to move the frame is anticipated by Nagakusa et al.

As to claims 11 and 21, having the docking surface (that portion of 2 or 11 upon which DUT board 10 abuts, best shown in Figures 4A and 4B) between the frame and one of the test head and peripheral is anticipated by Nagakusa et al.

3. Claims 1, 2, 8, 10-13 and 19-21 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Thurmaier (6836109) (col 1, ln 56 - col 2, ln 67).

4. The following is a statement of reasons for the indication of allowable subject matter:

Claims 6, 7, 9, 17, 18 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The added limitation of the other of the male and female member being rotated in order to move the frame towards or away from the docking surface of the other of the test head and peripheral as further detailed in claims 6 and 17 has not been found.

The added limitation of the linear unit being coupled to a detent plate having a detent wherein the detent plate is further coupled to the other of the test head and the peripheral, a lever coupled to the frame wherein the lever engages the detent to indicate the frame is in an intended position relative to the other of the test head and the peripheral as further detailed in claims 7 and 18 has not been found.

It is further noted that the examiner's reasons are understood to be predicated upon consideration of each of the claims as a whole, and not upon any specific elements of the claims.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ha et al (6836110) shows a universal tester to handler docking plate.

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6. A shortened statutory period for response to this action is set to expire three month(s) from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell Kobert whose telephone number is (571) 272-1963. The Examiner's Supervisor, Nestor R. Ramirez, can be reached at (571) 272-2034. For an automated menu of Tech Center 2800 phone numbers call (571) 272-2800.



Russell M. Kobert
Patent Examiner
Group Art Unit 2829
February 4, 2005



VINH NGUYEN
PRIMARY EXAMINER

A.U. 2829

02/04/05